

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q95798

ATSURO NAKAZATO, et al.

Appln. No.: 10/584,951

Group Art Unit: 1624

Confirmation No.: 2242

Examiner: Not Yet Assigned

Filed: September 13, 2006

For: THIENOPYRIMIDINE AND THIENOPYRIDINE DERIVATIVES SUBSTITUTED
WITH CYCLIC AMINO GROUP

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This responds to the Restriction Requirement, dated May 7, 2008. In response to the Restriction Requirement, Applicant elects Group I, claims 1-8, 16 (part) and 17 for examination. The election is made with traverse for the following reasons.

The Examiner asserts that the Restriction Requirement is proper in this National Stage application, because the claims do not share a special technical feature. In this respect, the

Examiner states that the technical feature shared by the claims is a thienopyrimidine or thienopyridine fused ring. However, the Examiner asserts that the technical feature is not novel, since a thienof[3,2-b]pyrimidine is disclosed in U.S. Patent No. 6,339,089 (Col. 6, compound VII).

Applicants respectfully traverse the restriction requirement as improper. The instantly claimed compound is "an antagonist against CRF receptor which is effective as a therapeutic or prophylactic agent for disease in which CRF is considered to be involved." Lines 14-15, page 2 of Specification. In contrast, the compound taught by U.S. Patent No. 6,339,089 is "useful for pharmacotherapeutically ameliorating arterial blood oxygen partial pressure." Lines 12-13, column 1. Clearly, the technical background of the instant invention is entirely different from that of U.S. Patent No. 6,339,089. One of ordinary skill in the art who was looking for an improved antagonist against CRF receptor would not have been motivated to consult any prior art references concerning compounds that are taught as useful for pharmacotherapeutically ameliorating arterial blood oxygen partial pressure. Therefore, the cited reference is not proper for the assessment of the special technical feature of the instant invention.

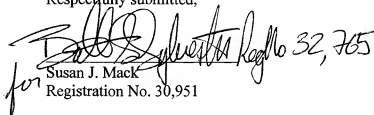
The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Response to Restriction Requirement
U.S. Application No. 10/584,951

Q95798

Applicant reserves the right to file a Divisional Application directed to non-elected
claims 9-15 and 18.

Respectfully submitted,


for Susan J. Mack
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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: July 7, 2008